

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

PAULETTE DIAL,)	
)	
Plaintiff,)	
)	
vs.)	No. 3:18-cv-1263
)	
ARMOND LEVY, M.D.,)	
ST. LOUIS NEUROSURGERY, L.L.C. and)	
CHRISTIAN HOSPITAL NORTHEAST,)	
)	
Defendants.)	

COMPLAINT

COUNT I

Comes now the Plaintiff, Paulette Dial, by her attorneys, Callis, Papa and Szewczyk, P.C. and for her cause of action against the Defendant, Armond Levy, M.D., states as follows:

1. That at all relevant times, Paulette Dial was a resident of Madison County, Illinois.
2. That at all relevant times, the Defendant, Armond Levy, M.D., was a medical practitioner, working and residing in St. Louis County, Missouri, and he was a neurosurgeon member of Defendant, St. Louis Neurosurgery, L.L.C. with privileges at the Defendant, Christian Hospital Northeast.
3. That this Court has jurisdiction pursuant to 28 U.S.C. 1332(1).
4. The amount in controversy exceeds Seventy-five Thousand Dollars (\$75,000.00).
5. That on or about June 7, 2016, Plaintiff was admitted to Christian Hospital Northeast by Defendant, Armond Levy, M.D. for care and treatment of long-standing back pain;

Defendant Levy performed back surgery on Plaintiff during that hospitalization from which she was released on or about June 20, 2016.

6. During said hospitalization, Plaintiff was under the care of Defendant, Armond Levy, M.D. (as a member, agent and/or servant of St. Louis Neurosurgery, L.L.C.), as well as physicians, surgeons, hospitalists, nurses and other employees, agents and/or servants of Christian Hospital Northeast.

7. That Plaintiff developed signs and symptoms of other serious medical conditions while an inpatient under the care of Defendant, Armond Levy, M.D., and the staff of Defendant, Christian Hospital Northeast.

8. That at said time and place the Plaintiff, Paulette Dial, had entered into a physician-patient relationship with Defendant, Armond Levy, M.D., Defendant, St. Louis Neurosurgery, L.L.C. and the employees, agents and servants of Christian Hospital Northeast.

9. At all relevant times the Defendant, Armond Levy, M.D., owed a duty of care to the Plaintiff to provide medical, surgical and hospital care and treatment which complied with generally accepted standards of care due a patient under like circumstances.

10. The Defendant, Armond Levy, M.D., breached the duty of care he owed to the Plaintiff, deviated from the generally accepted standard of care owed to the Plaintiff, and was then and there guilty of one or more of the following negligent, substandard and careless acts or omissions in the treatment of the Plaintiff:

- (a) Failed to evaluate Plaintiff for an arterial occlusion;
- (b) Failed to diagnose an arterial occlusion;
- (c) Failed to consult with any specialist to diagnose and treat Plaintiff's condition.

11. That attorneys Affidavits are attached hereto concerning money damages sought as required by statute, and an Affidavit pursuant to 735 ILCS 5/2-622(a).

WHEREFORE, Plaintiff, Paulette Dial, prays for damages against the Defendant, Armond Levy, M.D., in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) plus her costs of suit.

CALLIS, PAPA & SZEWCZYK, P.C.

By: 

John T. Papa, #02140780
1326 Niedringhaus Avenue
Granite City, Illinois 62040
Telephone: (618) 452-1323
Facsimile: (618) 452-8024
ATTORNEYS FOR PLAINTIFF

COUNT II

Comes now the Plaintiff, Paulette Dial, by her attorneys, Callis, Papa and Szewczyk, P.C. and for her cause of action against the Defendant, St. Louis Neurosurgery, L.L.C., a corporation, states as follows:

1. That at all relevant times, Paulette Dial was a resident of Madison County, Illinois.
2. That at all relevant times, the Defendant, St. Louis Neurosurgery, L.L.C., is and was a limited liability corporation organized and existing pursuant to law in the State of Missouri consisting of a group of neurosurgeons offering care and treatment to members of the public, including Plaintiff, for neurosurgical conditions of ill-being.
3. That this Court has jurisdiction pursuant to 28 U.S.C. (1332(1)).
4. The amount in controversy exceeds Seventy-five Thousand Dollars (\$75,000.00)

5. That on or about June 7, 2016, Plaintiff was admitted to Christian Hospital Northeast by Defendant, Armond Levy, M.D., of St. Louis Neurosurgery, L.L.C., for care and treatment of long-standing back pain; Defendant, Armond Levy, M.D., performed back surgery on Plaintiff during that hospitalization from which she was released on or about June 20, 2016.

6. During said hospitalization, Plaintiff was under the care of Defendant, Armond Levy, M.D., (as a member, agent and/or servant of Defendant, St. Louis Neurosurgery, L.L.C.) , as well as physicians, surgeons, hospitalists, nurses and other employees, agents and/or servants of Christian Hospital Northeast.

7. That Plaintiff developed signs and symptoms of other serious medical conditions while an inpatient under the care of Defendant, Armond Levy, M.D., and the staff of Defendant, Christian Hospital Northeast.

8. That at said time and place, Plaintiff, Paulette Dial, had entered into a physician-patient relationship with Defendant, Armond Levy, M.D., Defendant, St. Louis Neurosurgery, L.L.C. and the employees, agents and servants of Christian Hospital Northeast.

9. At all relevant times, the Defendant, St. Louis Neurosurgery L.L.C., owed a duty of care to the Plaintiff to provide medical, surgical and hospital care and treatment which complied with generally accepted standards of care due a patient under like circumstances.

10. The Defendant, St. Louis Neurosurgery, L.L.C., by and through the Defendant, Armond Levy, M.D., breached the duty of care owed to the Plaintiff, deviated from the generally accepted standard of care owed to the Plaintiff, and was then and there guilty of one or more of the following negligent, substandard and careless acts or omissions in the treatment of the Plaintiff:

- (a) Failed to evaluate Plaintiff for an arterial occlusion;
- (b) Failed to diagnose an arterial occlusion;
- (c) Failed to consult with any specialist to diagnose and treat Plaintiff's condition.

11. That attorneys Affidavits are attached hereto concerning money damages sought as required by statute, and an Affidavit pursuant to 735 ILCS 5/2-622(a).

WHEREFORE, Plaintiff, Paulette Dial, prays for damages against the Defendant, St. Louis Neurosurgery L.L.C., in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) plus her costs of suit.

CALLIS, PAPA & SZEWCZYK, P.C.

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ATTORNEYS FOR PLAINTIFF

COUNT III

Comes now the Plaintiff, Paulette Dial, by her attorneys, Callis, Papa and Szewczyk, P.C. and for her cause of action against the Defendant, Christian Hospital Northeast, states as follows:

- 1. That at all relevant times, Paulette Dial was a resident of Madison County, Illinois.
- 2. That at all relevant times, the Defendant, Christian Hospital Northeast, was a hospital located in Missouri; that said hospital granted privileges to the Defendant, Armond

Levy, M.D., who could perform surgeries and provide patient care to members of the public, including Plaintiff.

3. That this Court has jurisdiction pursuant to 28 U.S.C. (1332(1)).

4. The amount in controversy exceeds Seventy-five Thousand Dollars (\$75,000.00)

5. That on or about June 7, 2016, Plaintiff was admitted to Christian Hospital Northeast by Defendant, Armond Levy, M.D., of St. Louis Neurosurgery, L.L.C., for care and treatment of long-standing back pain; Defendant, Armond Levy, M.D., performed back surgery on Plaintiff during that hospitalization from which she was released on or about June 20, 2016.

6. During said hospitalization, Plaintiff was under the care of Defendant, Armond Levy, M.D., (as a member, agent and/or servant of Defendant, St. Louis Neurosurgery, L.L.C.), as well as physicians, surgeons, hospitalists, nurses and other employees, agents and/or servants of Christian Hospital Northeast.

7. That Plaintiff developed signs and symptoms of other serious medical conditions while an inpatient under the care of Defendant, Armond Levy, M.D., and the staff of Defendant, Christian Hospital Northeast.

8. That at said time and place, Plaintiff, Paulette Dial, had entered into a hospital-patient relationship with the employees, agents and servants of Christian Hospital Northeast.

9. At all relevant times the Defendant, Christian Hospital Northeast, by and through its agents, servants and employees owed a duty of care to the Plaintiff to provide hospital care and treatment which complied with generally accepted standards of care due a patient under like circumstances.

10. The Defendant, Christian Hospital Northeast, by and through its employees, agents and servants, breached the duty of care they owed to the Plaintiff, deviated from the generally accepted standard of care owed to the Plaintiff, and was then, and there guilty of one or more of the following negligent, substandard and careless acts or omissions in the treatment of the Plaintiff:

- (a) Failed to evaluate Plaintiff for an arterial occlusion;
- (b) Failed to diagnose an arterial occlusion;
- (c) Failed to consult with any appropriate health care provider to diagnose and treat Plaintiff's condition.

11. That attorneys Affidavits are attached hereto concerning money damages sought as required by statute, and an Affidavit pursuant to 735 ILCS 5/2-622(a).

WHEREFORE, Plaintiff, Paulette Dial, prays for damages against the Defendant, Christian Hospital Northeast, in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) plus her costs of suit.

CALLIS, PAPA & SZEWCZYK, P.C.

By: 

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

PAULETTE DIAL,

Plaintiff,

vs.

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ST. LOUIS NEUROSURGERY, L.L.C. and
CHRISTIAN HOSPITAL NORTHEAST,

Defendants.

No. 3:18-cv-1263

AFFIDAVIT

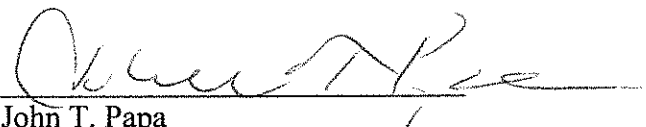
I, John T. Papa, on my oath state, as follows:

1. That I am an attorney licensed in Illinois and retained counsel of Paulette Dial in the case of Dial v. Armond Levy, M.D., St. Louis Neurosurgery, L.L.C. and Christian Hospital Northeast.

2. That I have been unable to obtain a consultation required by 735 ILCS 5/2-622 (a)1 within the applicable statute of limitations, and the statute of limitations would impair the action were it not filed at this time.

FURTHER AFFIANT SAYETH NOT.

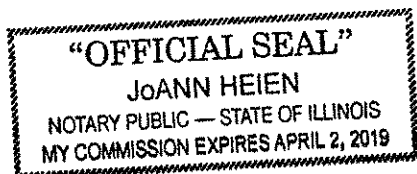
DATED this 12th day of June, 2018.


John T. Papa

Subscribed and sworn to before me, a Notary Public, this 12th day of June, 2018.


Notary Public

Page 8 of 9



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SOUTHERN DISTRICT OF ILLINOIS

PAULETTE DIAL,

Plaintiff,

vs.

No. 3:18-cv-1263

ARMOND LEVY, M.D.,
ST. LOUIS NEUROSURGERY, L.L.C. and
CHRISTIAN HOSPITALNORTHEAST,

Defendants.

AFFIDAVIT UNDER SUPREME COURT RULE 222

The undersigned, John T. Papa, deposes and states that he is one of the attorneys representing the Plaintiff herein and that the total of money damages sought does exceed Seventy-Five Thousand Dollars (\$75,000.00).

Dated this 12th Day of June, 2018.

CALLIS, PAPA & SZEWCZYK, P.C.

By: 

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1326 Niedringhaus Avenue
Granite City, Illinois 62040
Telephone: (618) 452-1323
Facsimile: (618) 452-8024
ATTORNEYS FOR PLAINTIFF

Subscribed to and Sworn before me this 12 day of June, 2018.


Notary Public

